#### IN THE MATTER OF:

Brady Curtis Certification No. 07-0269-P

### **MISCONDUCT:**

On April 16, 2011, the Respondent and two colleagues, while off duty, were drinking beer in a liquor establishment and got involved in a verbal confrontation with three unruly bar patrons who recognized the Respondent and the other off duty police officers. The confrontation continued outside the bar, where it was overheard by a witness, the Respondent made inappropriate insulting remarks toward the mentioned bar patron.

A subsequent administrative investigation, concerning the incident, resulted in one co-worker being terminated for untruthfulness. The Respondent and remaining co-worker resigned their positions. At the start of the investigation, the Respondent and one of the colleagues involved were individually told not to discuss any phase of the investigation between them or anyone else not privileged to such information. When inconsistencies between the Respondent and the colleague's interviews where pointed out to them, they both admitted discussing the investigation interviews between themselves and with others not privileged to such information and lying about it. The Respondent also lied when he denied using insulting language directed toward the unruly bar patron, he later admitted that he had verbalized derogatory remarks directed at the unruly bar patron.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 31, 2012, Mr. Curtis responded in writing. The Director served a Stipulated Order of Suspension on or around September 28, 2012 and Mr. Curtis agreed and signed the Order.

**Director's Recommendation** – Approve Stipulated Order of Suspension 4 month suspension; and 1 year probationary period; and to also attend a Law Enforcement Course in Ethics

Accepted		Rejected	
If rejected, E	oard's Recomme	ndation _	

#### IN THE MATTER OF:

Charles Dudley Certification No. 95-011-P

### MISCONDUCT:

On May 5, 2011, the Lea County Sheriff's Department (LCSD) initiated an investigation into allegations that on April 22, 2011, Sergeant Dudley, of the Eunice Police Department (EPD), shot and killed two wild turkeys while on Duty. As a result of the LCSD investigation, it was found that Sergeant Dudley had mishandled evidence or property and improperly disposed of it. The act occurred when he took control of an item under color of law, and subsequently transferred it to his personal control and use. Mr. Dudley was demoted by his employing agency, and received a five (5) day suspension.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 27, 2012, Mr. Dudley responded and requested and an Informal Hearing. The hearing was scheduled for September 17, 2012, as a result a Stipulated Order of Suspension was agreed upon.

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Accepted _	Rejected				
If rejected, Boa	ard's Recommendation 🗽	rutionas	Mother	Whir	probation

Director's Recommendation - Approve Stipulated Order of Suspension

#### IN THE MATTER OF:

Jonathan Gutierrez Certification No. 10-0005-P

### MISCONDUCT:

On March 1, 2012, the Respondent was terminated from the Dona Ana County Sheriff's Department for numerous infractions. The incident involved Mr. Gutierrez' demeanor when confronted by a security officer and Sunland Park Police Officers in the parking lot of the Sunland Park Casino where the Respondent was observed by a security officer throwing a beer bottle at a parked vehicle; the bottle hit the window of said vehicle. The Respondent made insinuating threats toward the security officer and repeatedly stated he was a Dona Ana County Deputy Sheriff. The Respondent appeared to be intoxicated, he was issued a citation along with a "Casino Trespass/Exclusion Notice" for consuming alcohol outside the casino and for causing damage to customer property. The other infractions mentioned appeared to be policy violations.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 16, 2012, Mr. Gutierrez responded and requested and an Informal Hearing. The hearing was scheduled for August 9, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 4 month suspension; and 1 year probationary period; and to attend and complete alcohol screening

Accepted		Rejected	
If rejected, E	Board's Recomm	nendation _	

#### IN THE MATTER OF:

Petra Gutierrez (Martinez) Certification No. 95-0038-P

### MISCONDUCT:

On January 7, 2011 the Respondent was pulled over for running a red light. Officer Vigil followed the Respondent to the parking lot of Chili's at which time the Respondent appeared to be intoxicated. Officer Vigil conducted a sobriety test in front of her supervisor and his supervisor Sgt. Martinez. The Respondent was placed under arrest for driving under the influence of intoxication liquor or drugs and was transported to the Espanola Detention Center where she agreed to take the chemical test. The Respondent blew into the machine six times, two out of the six times the machine blew a reading of .20, she was then booked accordingly. The Criminal complaint was dismissed as part of a plea agreement.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 20, 2012, Ms. Gutierrez responded and requested and an Informal Hearing. The hearing was scheduled for August 7, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 3 month suspension; 1 year probationary period; and to attend and complete alcohol screening

Accepted		Rejected	
If rejected, Bo	oard's Recomme	endation _	

IN	TH	Ε	MA	١T٢	ER	OF
		_	1 4 1 /-			$\sim$

Jeremy Hollier Certification No. 07-0179-P

#### MISCONDUCT:

On March 4, 2012, the Respondent and his wife were involved in a verbal dispute at which time the Respondent allegedly grabbed Mrs. Hollier around her neck with both hands and choked her. The dispute began at the couple's residence when Mrs. Hollier had gone into the Respondent's bedroom to discuss details of a divorce. The Respondent was subsequently placed under arrest and was charged with a felony of Domestic Violence-Aggravated Battery on a Household Member. The District Attorney's Office declined prosecution. The Respondent was given a 160-hour suspension served in two 80-hour blocks, by his employing agency.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 27, 2012, Mr. Hollier responded and requested and an Informal Hearing. The hearing was scheduled for August 15, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension

4 month suspension; 1 year probationary period; to attend and complete anger management counseling; and to attend and complete a Law Enforcement Course in Ethics

Accepted		Rejected	
If rejected, B	oard's Recomm	endation _	

### IN THE MATTER OF:

Jon O. Lopez Certification No. 09-0218-P

### MISCONDUCT:

On June 24, 2012, the Respondent, while at his estranged wife's residence, became involved in a verbal altercation with her concerning suspected infidelity. The argument turned into a physical altercation when the Respondent's estranged wife allegedly poked the Respondent on the face several times and he responded by doing the same to her. During the altercation, the Respondent, on two different occasions, used an arm bar takedown technique to put her on the floor to prevent her from getting too close to his face. During the altercation the Respondent pocketed the estranged wife's cell phone to prevent her from calling the police. The Respondent agreed to leave the residence if she promised not to call the police he then gave her back her cell phone and departed from the residence. The Respondent was subsequently arrested and charged with Battery on a Household Member and as a result the Respondent resigned his position.

<u>TIME LINE</u>: Respondent was served with a NCA on or around September 14, 2012, Mr. Lopez responded and requested and an Informal Hearing. The hearing was scheduled for September 19, 2012, as a result a Stipulated Order of Suspension was agreed upon.

Director's Recommendation - Approve Stipulated Order of Suspension

4 month suspension; 1 year probationary period; and to attend and complete anger management counseling

Accepted		Rejected	
If rejected,	Board's Recomme	endation _	

#### IN THE MATTER OF:

John Lytle Certification No. 98-0120-P

### MISCONDUCT:

On March 15, 2012, the Respondent was notified by his parents that his residence was being burglarized. The Respondent and his supervisor departed from a training program to follow up on the burglary call. While traveling towards the Respondent's residence, they observed a vehicle matching the description given to the Respondent by his parents. The Respondent's supervisor conducted a traffic stop of the subject's vehicle. The subjects, a male and female, were confronted by the Respondent. After questioning the female subject, the Respondent turned toward the male subject who was sitting on the curb and kneed him in the face and punched him several times in the stomach and facial area. The Respondent was enraged and continued the assault on the subject by pushing the subject's face on the dirt and at the same time yelling and screaming and making verbal death threats to the subject and to his family. The assault was witnessed by other people, including an officer who arrived at the scene and witnessed the Respondent holding the male subject by the arm and yelling and jerking him around and also saw the Respondent hit the subject in the back of the head. The officer who had arrived at the scene, placed the subject in the rear of his police unit and while gathering information from the supervisor, the officer observed the Respondent remove the male subject from the rear of his police unit and place him on the ground and kick him on the lower part of his body.

The abusive behavior by the Respondent was also witnessed by a female person walking in the area and reported the incident to the police which led to an internal investigation into the matter of excessive use of force. During the internal investigation, the Respondent admitted acting inappropriately when he confronted the subjects involved in the burglary at his residence. As a result the Respondent was terminated from employment.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 13, 2012, Mr. Lytle responded in writing. The Director served a Stipulated Order of Suspension on or around August 9, 2012 and Mr. Lytle agreed and signed the Order.

### Director's Recommendation – Approve Stipulated Order of Suspension

9 month suspension; 1 year probationary period; to attend and complete a Law Enforcement Course in Ethics; to attend and complete anger management counseling; and to complete 8 hours of community service

Accepted Rejected	
If rejected, Board's Recommendation	Downtion.

#### IN THE MATTER OF:

Catherine McGuffin
Certification No. 10-0072-P

### MISCONDUCT:

On December 16, 2011, the Respondent called out a traffic stop indicating the location, license number and vehicle description of the traffic stop. An acting Sgt Supervisor was in the immediate area and did not observe the Respondent or the vehicle she had described at the stated location. When the Supervisor asked the Respondent to give her exact location, she responded that she was now in a different area, she informed the supervisor that she had actually made and finished the traffic stop. An inquiry was conducted by a supervisor that determined that the traffic stop described didn't happen. This was ascertained after the owner of the vehicle in question was contacted and denied ever being stopped by the Respondent. The Respondent was given 160-hour suspension, 40-held in abeyance.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 14, 2012, Ms. McGuffin responded and requested and an Informal Hearing. The hearing was scheduled for August 14, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension

4 month suspension; 1 year probationary period; and to attend and complete a Law Enforcement Course in Ethics

Accepted		Rejected	
If rejected, B	oard's Recomme	ndation _	

#### IN THE MATTER OF:

Mark Montes Certification No. 95-0045-P

### MISCONDUCT:

On December 12, 2011, a supervisor of the Respondent conducted an audit of the Daily Report Forms that had been prepared and submitted by the Respondent from May 2011 to December 2011. During that time span, the respondent was twice placed on Job Performance Improvement Plan due to "lack of Self-Initiated activity." The audit revealed numerous discrepancies on the number of citations listed by the Respondent on the daily report versus those citations that could actually be accounted for. The Respondent appeared to be deceptive and dishonest by claiming that he was probably careless when he filled out his daily reports and did not intentionally stack-up the number of citation on his daily reports. The Respondent was terminated from employment for dishonesty and falsifying daily report.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 31, 2012, Mr. Montez responded and requested and an Informal Hearing. The hearing was scheduled for September 5, 2012, as a result a Stipulated Order of Suspension was agreed upon.

### **Director's Recommendation** – Approve Stipulated Order of Suspension

4 month suspension; 1 year probationary period; to attend and complete a Law Enforcement Course in Ethics; and to complete 48 hours of community service

Accepted		Rejected	
If rejected, Boa	ırd's Recomme	ndation	

IN T	HΕ	М	ΑT	TER	OF
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Ralph Moore Certification No. 99-0153-P

### MISCONDUCT:

On January 21, 2012, the Respondent was observed spending approximately 4 hours of is assigned shift at his apartment at West Campus. The Respondent was the only graveyard shift officer working and left the entire University unattended and unprotected for an extended period of time. The Respondent admitted during an administrative interview on January 25, 2012, that he had received a copy of a memorandum issued containing directives concerning officer daily activity reports on January 3, 2012. The memorandum stated that daily reports are to be submitted by the end of a shift and also instructed how to fill out the reports. The Respondent daily activity report was not submitted on January 21, 2012. When asked for the report, the Respondent submitted a report absent of activity similar to his daily activity report submitted on January 8, 2012.

<u>TIME LINE</u>: Respondent was served with a NCA on or around May 8, 2012, Mr. Moore responded and requested and an Informal Hearing. The hearing was scheduled for August 13, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 6 month suspension; 1 year probationary period; to attend and complete a Law Enforcement Course in Ethics

Accepted		Rejected	
If rejected, B	oard's Recomme	endation	

#### IN THE MATTER OF:

Jon Perez Certification No. 02-0085-P

### MISCONDUCT:

On July 24, 2011, a supervisor was informed that on the previous day, the Respondent and his girlfriend/coworker had been involved in a domestic dispute which led to a physical altercation between the two. After drinking at a party the Respondent went to his girlfriend's house at 4:30am, while there he ate and fell asleep. While the Respondent slept, the girlfriend gained access to the Respondent's personal cell phone where she found text messages and images that upset her. She then went into the bedroom where the Respondent was asleep to wake him up, she claimed she did so by hitting the Respondent open handed on the stomach with both hands in a shoving motion. The Respondent claims that he was awakened by the girlfriend, first being struck on the face followed by what he described felt like hammer blows to the chest area. After confronting him about the text messages, and trying to hit him the Respondent pushed his girlfriend, (who was on top of him) and she then threw his cell phone and he reacted by grabbing her by the neck. Criminal charges were not filed by the DA's office.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 16, 2012, Mr. Perez responded and requested and an Informal Hearing. The hearing was scheduled for September 6, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 6 month suspension; 1 year probationary period; to attend and complete a Law Enforcement Course in Ethics

Accepted		Rejected	
If rejected, B	oard's Recomm	endation _	

### IN THE MATTER OF:

Juan A. Saucedo Certification No. 10-0011-P

#### MISCONDUCT:

On July 2, 2011, the Respondent advised Sergeant Franco that he was ill and needed to utilize sick leave. Officer Saucedo allegedly drove to a bar in El Paso in full uniform and picked up a female at a local bar in which a domestic violence incident was later reported. On July 6, 2011, Officer Saucedo was arrested by the Dona Ana County Sheriff's Department and a Criminal Complaint was filed. On January 22, 2011, Officer Saucedo was being held on a One Hundred Thousand Dollar (\$100,000) Bond, for charges of Criminal Sexual Penetration (Force of Coercion), Aggravated Assault against a Household Member (deadly weapon), Bribery of a Witness (Threats)(False Testimony), Battery Against a Household Member (2 Counts), Interference with Communications. Officer Saucedo was found by his employer to be in violation of several Standard Operating Procedures Rules and Regulations.

Officer Saucedo was terminated from the Sunland Park Police Department. The criminal case is still pending in District Court awaiting disposition.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 2, 2012, Mr. Saucedo responded and requested and an Informal Hearing. The hearing was scheduled for August 16, 2012, as a result a Stipulated Order of Suspension was agreed upon.

Director's Recommendation – Approve Stipulated Order of Suspension
6 month suspension; 1 year probationary period; to attend and complete anger management counseling

Accepted \_\_\_\_\_\_ Rejected \_\_\_\_\_\_

If rejected, Board's Recommendation Resource (Light) N

IN THE MATTER OF: Filiberto Sigala Certification No. 01-0394-P

#### MISCONDUCT:

On May 9, 2012, Officer responded to an assistance call involving domestic violence perpetrated by the Respondent against his wife/victim who was at a friend's house where the assault took place. The Respondent, uninvited and without permission, entered said residence and began to verbally assault his wife accusing her of infidelity. The Respondent removed a phone charger, some money, and an EBT card from his wife's purse. The victim kept telling the Respondent to get out of the house but he refused. The Respondent exited the residence through the front door the victim followed him because she was afraid that he would damage her vehicle. While outside the residence, the argument continued and turned physical when the Respondent struck the victim on the right side of her face with his left hand. The Respondent was arrested and charged with Aggravated Battery and False Imprisonment and as a result, was terminated by his employer on July 19, 2012.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 20, 2012, Mr. Sigala responded and requested and an Informal Hearing. The hearing was scheduled for September 25, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** — Approve Stipulated Order of Suspension 4 month suspension; and 1 year probationary period

Accepted	Rejected _	
If rejected, Board's Recomme	ndation 📿	Eurocation

IN THE MATTER OF:
Dario Solis
Certification No. 04-0237-P

#### MISCONDUCT:

On April 10, 2012, the Las Cruces Police Department initiated an internal investigation suspecting that the Respondent was asleep on the job and failed to answer dispatch on his police radio for service calls while on duty on April 4, 2012. The investigation focusing on the Respondent's activities for April 4, 2012, proved to be inconclusive and did not sustain the suspicious activity mentioned above. However, during the inquiry other information surfaced pertaining to the Respondent found sleeping inside his police unit while on duty. During the ongoing investigation when the Respondent was untruthful when questioned by the Internal Affairs Investigator, he denied ever sleeping while on duty but later on admitted to his commander that he has fallen asleep in his patrol unit while on duty.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 16, 2012, Mr. Solis responded and requested and an Informal Hearing. The hearing was scheduled for August 3, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 4 month suspension; 1 year probationary period; and 8 hours of community service

Accepted		Rejected	
If rejected, B	oard's Recomm	endation _	

IN THE MATTER OF: Robby Trujillo Certification No. 10-0086-PS

### MISCONDUCT:

On May 12, 2012, at approximately 2:30am, an Albuquerque Police Officer on patrol observed a vehicle being driven in a careless manner that appeared to be traveling at a high rate of speed and making a sudden stop at a stop sign with ¾ of the vehicle past the stop sign. The patrol officer conducted a traffic stop and approached the driver/Respondent who displayed signs of intoxication reeking of alcohol. When questioned, the Respondent admitted to the officer that he had consumed two beers two hours prior to being stopped. The Respondent was asked to submit to a field sobriety test and failed, he was placed under arrest and charged with Driving While Intoxicated. A subsequent breath test was administered on the Respondent which registered a BAC of over .08.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 14, 2012, Mr. Trujillo responded and requested and an Informal Hearing. The hearing was scheduled for August 9, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 3 month suspension; 1 year probationary period; and attend and complete alcohol screening

Accepted		Rejected	
If rejected, Be	oard's Recomm	nendation _	

IN THE MATTER OF: Alfredo Turrieta, Jr. Certification No. 98-0155-P

#### MISCONDUCT:

On April 17, 2012, the Respondent was involved in a vehicle collision at an intersection in Rio Rancho, NM. The Respondent was text messaging and inattentive when his sheriff's car rear ended a vehicle stopped at a traffic signal causing moderate damage to the vehicle. The Sheriff's unit sustained heavy front end damage requiring tow service. When questioned by the crash board, the Respondent denied texting prior to the collision and denied having his cell phone in his possession on that date. A coworker contradicted that statement and confirmed that the Respondent had indeed been texting her prior to the collision and continued texting her and even sent her a photo of the collision approximately five minutes after it happened. When confronted with this information, the Respondent admitted texting while driving before and after the collision.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 30, 2012, Mr. Turrieta responded and requested and an Informal Hearing. The hearing was scheduled for September 20, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension

4 month suspension; 1 year probationary period; and attend and complete a Law Enforcement Course in Ethics

Accepted		_ Rejected	
If rejected, B	oard's Recomm	nendation _	

IN THE MATTER OF:
Jason D. Waller
Certification No. 98-0200-P

#### MISCONDUCT:

On December 3, 2011, the Respondent was involved in a dispute with his estranged wife, the incident developed after the Respondent knocked on the estranged wife's door, when she answered he walked inside and encountered the estranged wife's boyfriend. The Respondent told the boyfriend to leave the apartment but he refused. An argument ensued between the Respondent and the boyfriend causing the estranged wife to get between the Respondent and her boyfriend to avoid physical contact between them. The Respondent was asked to leave. The Respondent was charged by the Carlsbad Police Department on four counts: Battery on a household member, assault, use of telephone to harass an criminal trespass. All charges have been dismissed.

<u>TIME LINE</u>: Respondent was served with a NCA on or around July 18, 2012, Mr. Waller responded and requested and an Informal Hearing. The hearing was scheduled for August 8, 2012, as a result a Stipulated Order of Suspension was agreed upon.

**Director's Recommendation** – Approve Stipulated Order of Suspension 2 month suspension; 1 year probationary period; and attend and complete anger management counseling

Accepted		Rejected	
If rejected, B	oard's Reco	mmendation _	

N THE MATTER OF:					
Michelle Flores					
Certification No. 08-0080-PST					

### MISCONDUCT:

Between May 15, 2012 and June 4, 2012, in Luna County, New Mexico, the Respondent is alleged to have unlawfully and intentionally released information gained through the Crime Stopper program relating to criminal activity and contents of records and reports that are confidential. Based on the allegations, a misdemeanor criminal complaint was filed in Luna County Magistrate Court.

<u>TIMELINE</u>: Respondent was served with a NCA on or around September 7, 2012, the Respondent responded in writing. A Stipulated Order was served on the Respondent on or around September 28, 2012, which she agreed to and signed.

**Director's Recommendation** – Approve Stipulated Order of Suspension 6 months suspension, 1 year probation and complete a Law Enforcement Course in Ethics

Accepted	1	Rejected	
If rejected, B	oard's Recon	nmendation _	

IN THE MATTER (	OF:
Clarissa Baca	
Certification No.	07-0002-F

### MISCONDUCT:

On January 29, 2012, the Respondent was observed driving erratically by making a sudden traffic lane change without signaling and driving the vehicle without the headlamps on. The arresting officer initiated a traffic stop and noticed that the Respondent displayed signs of intoxication and smelled of alcohol. The Respondent submitted to a field sobriety test which confirmed impairment; therefore, she was arrested and charged with Driving While under the influence of Intoxication liquor. An Alcohol Analyzer was subsequently administered on the Respondent which revealed 0.12 alcohol content on the Respondent's system.

<u>TIMELINE</u>: Respondent was served with a NCA on or around July 12, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 6, 2012, and has agreed to a Stipulated Order of Suspension.

**Director's Recommendation** – Approve Stipulated Order of Suspension 4 months suspension, 1 year probation and complete and provide proof of an alcohol screening

Accepted		_ Rejected	
If rejected,	Board's Recomm	endation _	- Allendary

IN THE MATTER OF:
Danny Surratt
Certification No. 75-0822-P

### MISCONDUCT:

On August 31, 2010 charges were filed against the Respondent with the Lea County Magistrate Court, for 1<sup>st</sup> and 2<sup>nd</sup> degree felony criminal charges of sexual contact of a minor, 3<sup>rd</sup> degree charges of criminal sexual penetration of a minor, and 2<sup>nd</sup> degree felon, attempt to commit a felony for intimidation of a witness. On September 3, 2010, the case was transferred to Fifth Judicial District Court, Lea County, New Mexico, and is still pending disposition.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around June 4, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 6, 2012, the Respondent responded failed to respond.

<b>Director's Rec</b> Respondent fa	ommendatio iled to respo	on – Default Order nd to the NCA and	of Revocation	on Scho	nged	to Vol Reline	untar ziiish	Lis
Accepted If rejected, Bo	ard's Recomm	Rejected			_			

IN THE MATTER OF:
Justin Coon
Certification No. 00-0290-P

### MISCONDUCT:

On March 23, 2011, the Respondent attempted to purchase ephedrine using a Colorado driver's license of an individual he had arrested. The Respondent consented to a search of his home and the search revealed medication for the Respondent and other individuals the Respondent had previously arrested. The search also yielded a number of license plates belonging to individuals he had stopped. A search of the Respondent's police car yielded several drivers' licenses, ephedrine packaging, prescription labels and a prescription bottle of oxycodone. The Respondent's employment was terminated and criminal charges relating to the Respondent's conduct were filed.

<u>TIME LINE</u>: Per a stipulation of a Conditional Discharge from Chaves County Fifth Judicial District Court the Respondent was required to tender his resignation as New Mexico Peace Officer and return his certification to the board.

Director's R	ecommendat	i <b>on</b> – Ratity Vo	luntary Relinquishment
	/		
Accepted	V	Rejected	
If rejected, I	Board's Recon	nmendation _	

IN THE MATTER OF: Xavier D. Tapia Certification No. 86-0066-P

### MISCONDUCT:

On December 1, 2011, the Respondent contacted the Chief of Police where his was employed and informed the Chief that he had been secretly having an extra marital affair for the last three years and had recently ended the relationship. Later, the ex-mistress contacted a supervisor at the agency the Respondent was employed and also informed the supervisor that she had an ongoing relationship with Respondent for the past five years. The female disclosed a photograph of the Respondent exposing himself while in police uniform, taken in front of his assigned police unit. Besides posing online as swinger, the female alleged that the Respondent was posing for pictures both on duty and off duty exposing his genitalia. The female also informed the supervisor that during her relationship with the Respondent he took her to his residence and showed her child pornography on his computer involving a child between ages of three to five years old performing oral sex on an adult male person. This information was relayed to the NM State Police for follow-up investigation. The investigation conducted by the Criminal Bureau of the NMSP could not determine the validity of child pornography, since there was nothing on the Respondent's confiscated computer, to indicate otherwise. The Respondent resigned his position on December 4, 2011.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 27, 2012, Mr. Tapia responded in writing and indicated in his response that he would voluntarily relinquish his Law Enforcement Certification.

		•	•	•	
Accepted		Rejected			
If rejected, B	oard's Recom	mendation _	•		

**Director's Recommendation** – Ratify Voluntary Relinquishment

IN THE MATTER OF: Richard Ayala Certification No. 09-0033-P

### MISCONDUCT:

On December 16, 2010 the Respondent visited his cousin, who was an inmate at the Southern New Mexico Correctional Facility. During this visit, the Respondent provided the inmate with confidential law enforcement information. This was done without authorization, and the Respondent was not forthcoming with information about the conversation except when asked specifically about it.

INFORMAL HEARING: Respondent was served with a NCA on or around July 12, 2011, the Respondent called the Acting Director by phone requesting an informal hearing which was approved and held on August 3, 2011. A Stipulated Order of Suspension was agreed upon and was rejected by the NMLEAB on April 17, 2012. The board recommended a 5 year suspension instead of 2 year. The Respondent was notified of the Board's recommendation and he agreed to the five year suspension; however, the Respondent has not yet signed the new Stipulated Order mailed to him on September, May 22, 2012. The Respondent was served a Notice of Final Decision on or around July 13, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, B	Board's Recomme	endation _	

IN THE MATTER OF: Walter Drutok Certification No. 05-0134-P

### MISCONDUCT:

On January 29, 2009, the Respondent's wife's vehicle was rear ended by pickup truck which was witnessed by the Respondent who was a short distance away when the traffic crash occurred. The Respondent approached the victim/driver of the truck and identified himself as a police officer. The Respondent then got into a confrontation with the truck driver/victim and without provocation battered the victim by punching him numerous times on the face and head area. The Respondent then pulled the victim from the vehicle and continued to batter the victim until police arrived. An investigation into the assault was conducted. The Respondent resigned his position before being terminated.

The Respondent was also involved in a separate incident, involving an arrest made by the Respondent, of a suspected mentally disturbed person and transported said person to a mental facility of revaluation where he was detained for approximately 12 ½ hours and released. The detainee claimed that he was unjustifiably detained by the Respondent without cause and without permission and felt that the Respondent was harassing him. The Respondent failed to document the incident until two months later and only after an investigation revealed the incident had not been documented as required through a written police report.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around May 19, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around July 1, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, B	oard's Recom	nmendation	

IN THE MATTER OF: Ellen M. Gonzales Certification No. 11-0011-PST

### MISCONDUCT:

On January 10, 2011, the Respondent's supervisor was informed that the Respondent had unlawfully queried wants and warrants through NCIC. After receiving this information, the supervisor checked the NCIC trash bin and located two unauthorized queries that had been run through NCIC on January 7, 2011 by the Respondent on her alleged present and former boyfriends. This is considered a major misuse violation of the operating procedures for Telecommunicators. The Respondent is also accused of causing issues and uncomfortable situations with other employees by her inappropriate behavior in the work environment such as flirting with officers.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around July 10, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 6, 2012, the Respondent responded failed to respond.

Accepted	Server and	Rejected	
If rejected,	Board's Reco	mmendation _	

IN THE MATTER OF:
Joshua Griggs
Certification No. 07-0271-P

### MISCONDUCT:

On April 16, 2011, the Respondent and two colleagues, while off duty, were drinking beer in a liquor establishment and got involved in a verbal confrontation with three unruly bar patrons who recognized the Respondent and the other off duty police officers. The confrontation continued outside the bar.

A subsequent administrative investigation, targeting the Respondent and one of his colleagues, was initiated and the Respondent and his colleague were made aware that they were not to discuss any particulars of the ongoing investigation with their colleagues or with anyone else, except with those privileged to such information. The Respondent acknowledged that he understood and would comply. The Respondent was asked on several occasions during the active investigation if he had discussed the case with any of his colleagues or anyone not privileged to the information, in which he always responded no. Later in the investigation the Respondent admitted being untruthful when questioned about discussing some aspects of the investigation with his colleague, who was being investigated for the same incident. The Respondent also admitted being untruthful on another matter pertaining to being asked by management to assist in escorting unruly person outside from the inside the business establishment where the verbal confrontation in question occurred. The Respondent was terminated on August 5, 2011.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around July 26, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 17, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, I	Board's Recom	imendation _	

IN THE MATTER OF:
Joshua Jacobs Herrera
Certification No. 10-0074-PST

### MISCONDUCT:

On May 29, 2010, the Respondent was hired as a Telecommunicator in the State Police office in Espanola, New Mexico. Before being hired, the Respondent had filled out an application for employment and indicated that he had graduated from Santa Fe High School (SFHS) in 2009. The Respondent produced a copy of a High School Diploma and based on the information he provided on the application, he was allowed to attend and complete the TTY Dispatcher Training Course. It was later ascertained that the Respondent had used a fake diploma when he applied for employment with the State Police Office in Espanola. According to a school official in charge of records at SFHS, there is no record at SFHS showing that the Respondent graduated from there in 2009 or any other time.

INFORMAL HEARING: Respondent was served with a NCA on or around July 2, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around July 1, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, B	oard's Recon	nmendation	

IN THE MATTER OF:
Robert J. Holguin
Certification No. 07-0121-P

### MISCONDUCT:

On February 16, 2012, the Respondent while on duty, conducted a traffic stop for speeding and learned that the female driver had an outstanding warrant for her arrest. When en route to the detention center, the Respondent stopped his unit and had sexual intercourse with the female. He transported her to the detention center for incarceration. On April 3, 2012, Captain Harvill met with the Respondent because the female had complained that the Respondent kept texting her and she wanted him to stop. At the time, the Respondent admitted he had been texting her and would stop; he also admitted to the sexual act that took place in his assigned police unit. The Respondent resigned on April 3, 2012.

INFORMAL HEARING: Respondent was served with a NCA on or around May 24, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around July 3, 2012, the Respondent responded failed to respond.

Accepted	<b></b>	Rejected	
If rejected, B	loard's Recor	mmendation	

IN THE MATTER OF: Matthew Kindle Certification No. 96-0186-P
MISCONDUCT: On August 17, 2011, the Respondent was arrested on a felony charge of demanding or Receiving a Bribe by Public Officer or Public Employee.
INFORMAL HEARING: Respondent was served with a NCA on or around March 16, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around July 17 2012, the Respondent responded failed to respond.
<b>Director's Recommendation</b> – Default Order of Revocation Respondent failed to respond to NCA and NFD
Accepted Rejected  If rejected, Board's Recommendation

IN THE MATTER OF: Rudolofo Q. Lopez Certification No. 99-0298-P

### MISCONDUCT:

On June 20, 2011, a Criminal summons was issued ordering the Respondent to appear in the Third Judicial District Court in Dona Ana County to answer five felony charges filed by the District Attorney's office charging the Respondent with the following crimes: Forgery 2 counts (Over \$2,500), 2 counts Forgery, and Conspiracy to Commit Forgery. These charges were lodged against the Respondent after the New Mexico State Police received information of possible embezzlement committed by the Respondent and his wife from a company where his wife was employed. The investigation revealed that both, Respondent and his wife, did with intent to injure, deceive or cheat, the company, gave or delivered checks knowing to be false writing or contain false signature or endorsement or be changed so that the effects were different from the original or genuine amounts. The Respondent was placed on administrative leave on April 19, 2011 and resigned his position on May 6, 2001.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around April 19, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 7 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, I	Board's Recomme	endation _	 

IN THE MATTER OF: Joshua S. Lucero Certification No. 03-0064-P

### MISCONDUCT:

On May 20, 2011, the Respondent was terminated from the Santa Fe County Sheriff's Office for untruthfulness by falsifying vehicle maintenance preventive service reports by knowingly logging incorrect mileage in an apparent attempt to disguise lack of preventive maintenance on his assigned police unit. The Respondent had previously been warned and disciplined by his supervisors for not complying with established directions requiring vehicle maintenance every 3,000 miles. This and other similar incidents, pertaining to vehicle maintenance, led to the termination of the Respondent, who was on probationary Status at that time.

INFORMAL HEARING: Respondent was served with a NCA on or around June 29, 2012, the Respondent failed to respond. The Respondent requested an Informal Hearing, which was held on July 27, 2012. The Respondent denied the allegations mentioned in the NCA, but agreed to a Stipulated Order of Suspension; however, he has not yet signed the Stipulated Order. The Respondent was served a Notice of Final Decision on or around August 31, 2012, the Respondent responded failed to respond.

Director's Re	commendat	i <mark>on –</mark> Default O	rder of Revocation
Respondent f	failed to retu	rn a signed Stip	pulated Order of Suspension and respond to the NFD
Accepted		Rejected	
If rejected, B	oard's Recon	nmendation	

IN THE MATTER OF: Daniel D. Markham Certification No. 09-0076-P

### MISCONDUCT:

On April 3, 2012, it was reported to the Chief of the Tularosa Police Department that the Respondent was having an inappropriate relationship with a client of Children Youth and Families Division. During an investigation of the relationship it was revealed that the Respondent was maintaining an ongoing intimate relationship with a person he had arrested pursuant to warrants for felony child abuse. The Respondent resigned his position on May 7, 2012.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around June 5, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 24, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, Bo	ard's Recon	nmendation _	

IN THE MATTER OF: Eddi J. Martinez Certification No. 10-0048-PST

### **MISCONDUCT:**

On June 30, 2010 a complaint was filed against the Respondent for failure to report a pending investigation for fraud. On January 6, 2011 a Criminal complaint was filed against the Respondent in Fourth Judicial District Court, for five counts of Failure to disclose facts to obtain public assistance, and twelve counts for False Claim for Reimbursement. The Respondent was terminated form the NMSP Las Vegas district as radio dispatch. The Order of conditional discharge along with a Plea and Disposition Agreement was entered in the Fourth Judicial District Court. On June 7, 2011, the Respondent Pled guilty to Count I: Failing to Disclose Facts of Change of Circumstances to Obtain Public assistance; and count II: Failing to Disclose Facts of change of Circumstances to Obtain Public Assistance, a third degree felony.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around July 12, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 6, 2012, the Respondent responded failed to respond.

Accepted	Lander	Rejected	
If rejected,	Board's Reco	mmendation	

IN THE MATTER OF: Noah T. Pestak Certification No. 11-0046-P

### MISCONDUCT:

Around May 26, 2012 the Truth or Consequences Police Department was made aware that the New Mexico State Police was conducting a criminal investigation against one of their officers (the Respondent). The focal point of the investigation involved allegations of Criminal Sexual Penetration and Criminal Sexual Contact of a Minor. The victim was identified as a fifteen year old pregnant female who claimed that the Respondent was the father of her yet to be born child. The victim revealed to her father that she had consensual sexual intercourse with the Respondent on several occasions. The victim indicated that she first met the Respondent in July of 2011 when the Respondent was a Sierra County Deputy Sheriff. At that time the victim had been reported as a runaway from home and the Respondent located her in a vehicle with some friends and took her home. The Respondent resigned his law enforcement position with the T or C Police Department.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around July 5, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 13, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected,	Board's Recomme	ndation _	 

IN THE MATTER OF: Virgil J. Sandoval Certification No. 09-0126-PST

### MISCONDUCT:

On February 8, 2012, a patrol officer observed a vehicle parked in the middle of the road with the engine running; and upon checking the vehicle discovered the Respondent was passed out inside the vehicle. The investigating officer detected a strong odor of an alcoholic beverage emanating from inside the vehicle. The Officer made several attempts to wake up the Respondent by knocking on the driver's side window but the Respondent did not respond. The officer was able to open the door and noticed two unopened wine bottles between the Respondent's legs. The Respondent finally woke up and attempted to shift the gear but was prevented from doing so by the officer turning off the ignition. The Respondent displayed signs of intoxication and was place in custody and charged with Aggravated Driving While Intoxicated. The Respondent registered a BAC of .24 and .23 on consecutive breath tests. The Respondent resigned his position with the Socorro Police Department.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around July 5, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 6, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected, Bo	ard's Rec	ommendation _	

IN THE MATTER OF: Donna Saylor Certification No. 00-0403-P

### MISCONDUCT:

The Respondent appeared to significantly inflate her monthly performance standard reports. There appeared to be a large disparity between how many arrests she made each month and how many reports were written. When asked if the Respondent padded her productivity she admitted that "she may have bumped here and there, but not that much.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around June 19, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 8, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected,	Board's Recomme	endation	

IN THE MATTER OF: Steven T. Taylor Certification No. 07-0241-P

### MISCONDUCT:

On September 6, 2011 the parents of a sixteen (16) year old female reported to the NM State Police in Tucumcari, that the Respondent had sent pictures of this erect penis via e-mail to their daughter. The pictures were discovered when the Father looked though his daughter's e-mail account on August 26, 2011 and confronted her. The female informed her father that she and the Respondent had been involved in a sexual relationship including while he was on duty. During an interview with the female she stated that she and the Respondent had a sexual relationship, and had sex on several occasions while he was separated from his wife. Five pictures were obtained from the female's email account by her father and turned over the NM State Police during their investigation.

During an interview with the Respondent, he denied having a sexual relationship with the female and denied taking and sending pictures of his genitalia to the female. When he asked about the photos sent from his computer, the Respondent stated that his brother must have taken the pictures and sent them. The Respondent was asked about one of the pictures of the erect penis in which the subject was naked displayed a mole on the left inner thigh. The Respondent was then asked if he had a mole on his left inner thigh, his response was he had taken the picture of his penis and sent it to his wife, and that he did not know how it was sent to the 16yr old female. The Respondent was asked if the other picture with the erect penis sticking out of the police uniform while seated in a patrol car was his and he said it was not. The Respondent continued to say his brother must have put his uniform on and sat in his patrol car and taken the picture. When similarities in the pictures of the erect penis were pointed out to the Respondent, he admitted he had taken that picture as well and sent it to his wife.

<u>INFORMAL HEARING</u>: Respondent was served with a NCA on or around June 5, 2012, the Respondent failed to respond. The Respondent was served a Notice of Final Decision on or around August 6, 2012, the Respondent responded failed to respond.

Accepted		Rejected	
If rejected,	Board's Recomme	ndation	

IN	THE	MA <sup>*</sup>	TTER	OF:
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KANDI GARCIA

Certification No. 10-0151-P

### MISCONDUCT:

On July 23, 2012, the Respondent was involved in a physical and verbal altercation outside a liquor establishment with a female adult person.

TIME LINE: Respondent was served with a NCA on or around September 12, 2012, Responded requested an Informal Hearing. The informal hearing was held on September 27, 2012. The female involved in the altercation with the Respondent was with a group of other females who drank a pitcher of beer that had been purchased by the Respondent.. The Respondent left the beer on top of a table and went outside to smoke a cigarette. When she came back in, the pitcher of beer she had bought was empty. The group of females admitted drinking the beer and they apologized telling the Respondent they would pay her for the beer when they got paid because at the time they didn't have any money to pay her for the beer. A female in the group insisted on obtaining the Respondent's name and address so that she could later pay her for the beer. The Respondent refused to give her name or address. After exiting the premises, the female again approached the Respondent and insisted on getting her name and address. The Respondent again refused to give her name or address and due to the female insisting on getting the Respondent's name and address, an argument ensued and which led to a short scuffle causing the Respondent to fall to the ground with the female very briefly on top of her. Shortly after, the female and her friends departed and the Respondent walked to her brother's house.

Director's Recommendation – Approve Cautionary Letter

Based on the above, a cautionary letter is recommended.

Accepted Rejected \_\_\_\_\_\_ Rejected \_\_\_\_\_\_ 

If rejected, Board's Recommendation \_\_\_\_\_\_

IN	THE	MATTER	R OF:
TR	OY P	AKFR	

Certification No. 95-0123-p

### MISCONDUCT:

On June 14, 2011, a misconduct report was submitted to the New Mexico Law Enforcement Academy by the Chief of the Santa Fe Police Department alleging the Respondent, along with other officers, used unlawful force and falsified the report pertaining to an arrest report of an arrested individual. The arrested individual in question had been reported to the police and the reporting person accused the individual of being intoxicated and threatening her inside her apartment. The police responded, but the individual had departed from the scene in a vehicle. The caller provided a description of said vehicle which was soon observed and pulled over by responding officers. The individual was identified and after being questioned was arrested for making a comment "I do want to fight" after being told by an officer "Don't look like you want to fight, you won't win." A struggle ensued, which was captured on the police video camera and based on the video, an internal affairs investigation was initiated resulting in the charges mention above.

<u>TIME LINE</u>: Respondent was served with a NCA on or around February, 17 2012. Responded requested an Informal Hearing. The Respondent, along with other officers, was accused of unlawful use of force and falsifying the report pertaining to an arrest report of an arrested individual. The informal hearing was held on September 11, 2012. The explanation by the Respondent and the first internal investigation report, which cleared the Respondent, are consistent indicating that the Respondent followed Standard Operating Procedures Governing Personal Code of Conduct established by the employing agency.

Based on the above, a Cautionary letter is recommended.

Director's Recommendation – Approve cautionary letter					
Accepted		Rejected			
If rejected, I	Board's Recomm	endation			

IN THE MATTER OF:

MATTHEW R. CHAMPLIN Certification No. 05-0190-P

### MISCONDUCT:

On June 14, 2011, a misconduct report was submitted to the New Mexico Law Enforcement Academy by the Chief of the Santa Fe Police Department alleging the Respondent, along with other officers, used unlawful force and falsified the report pertaining to an arrest report of an arrested individual. The arrested individual in question had been reported to the police and the reporting person accused the individual of being intoxicated and threatening her inside her apartment. The police responded, but the individual had departed from the scene in a vehicle. The caller provided a description of said vehicle which was soon observed and pulled over by responding officers. The individual was identified and after being questioned was arrested for making a comment "I do want to fight" after being told by an officer "Don't look like you want to fight, you won't win." A struggle ensued, which was captured on the police video camera and based on the video, an internal affairs investigation was initiated resulting in the charges mention above.

<u>TIME LINE</u>: Respondent was served with a NCA on or around February, 17 2012. Responded requested an Informal Hearing. The Respondent, along with other officers, was accused of unlawful use of force and falsifying the report pertaining to an arrest report of an arrested individual. The informal hearing was held on September 11, 2012. The explanation by the Respondent and the first internal investigation report, which cleared the Respondent, are consistent indicating that the Respondent followed Standard Operating Procedures Governing Personal Code of Conduct established by the employing agency.

Based on the above, a Cautionary letter is recommended.

Director's Recommendation – Approve cautionary letter						
Accepted		Rejected				
If rejected, Board's Recommendation						

### IN THE MATTER OF:

Stephen Cosban Certification No. 08-0258-P

### MISCONDUCT:

On June 14, 2011, a misconduct report was submitted to the New Mexico Law Enforcement Academy by the Chief of the Santa Fe Police Department alleging the Respondent, along with other officers, used unlawful force and falsified the report pertaining to an arrest report of an arrested individual. The arrested individual in question had been reported to the police and the reporting person accused the individual of being intoxicated and threatening her inside her apartment. The police responded, but the individual had departed from the scene in a vehicle. The caller provided a description of said vehicle which was soon observed and pulled over by responding officers. The individual was identified and after being questioned was arrested for making a comment "I do want to fight" after being told by an officer "Don't look like you want to fight, you won't win." A struggle ensued, which was captured on the police video camera and based on the video, an internal affairs investigation was initiated resulting in the charges mention above.

<u>TIMELINE</u>::Respondent was served with a NCA on or around February, 17 2012. Responded requested an Informal Hearing. An informal hearing was held on September 11, 2012. The explanation by the Respondent and the first internal investigation report, which cleared the Respondent, are consistent, indicating that the Respondent followed Standard Operating Procedures Governing Personal Code of Conduct established by the employing agency.

Based on the above, a Cautionary letter is recommended

.Director's Recommendation – Approve cautionary letter

Accepted \_\_\_\_\_ Rejected \_\_\_\_\_\_

If rejected, Board's Recommendation

#### IN THE MATTER OF:

TERRY A. COLWELL II Certification No. 09-0268-P

### MISCONDUCT:

On June 20, 2012, the Respondent was accused of being disrespectful and was alleged to have verbally assaulted an ADA in a private witness room at the court house where they were discussing criminal cases.

TIME LINE: Respondent was served with a NCA on or around August 13, 2012, Responded requested an Informal Hearing. The informal hearing was held on September 10, 2012. After considering all relevant information presented by the Respondent and comparing it with the misconduct report, It was determined that the issue involved a verbal disagreement between the Respondent and the complainant (ADA) over criminal cases. The discussion took place inside the court house in a private office. The complainant perceived the Respondent as being vociferous and argumentive during the discussion, although not threatening. The Respondent admitted talking loud, but not shouting, He was concerned that the cases he had investigated were going to be dismissed. The witnesses nearby gave different versions of the decibel sound emitting from the room in question. One witness heard loud voice, and others didn't hear anything. Cautionary letter is recommended in this case.

Director's Recommendation – Approve Cautionary Letter
Accepted Rejected
If rejected, Board's Recommendation

#### IN THE MATTER OF:

Certification No. 03-0273-P JAMES MINTER

### **MISCONDUCT:**

On July 9, 2011, The Respondent was reported as being involved in a domestic dispute with his estranged wife and was purported to have committed physical violence. Respondent had attempted to prevent his estranged suicidal wife, from swallowing a hand full of pills which resulted in physical contact.

<u>TIME LINE</u>: Respondent was served with a NCA on or around August 13, 2012, Responded requested an Informal Hearing. The informal hearing was held on October 4, 2012. After considering all relevant information presented by the Respondent and the fact that the information on the misconduct report, indicated that the criminal charges were dismissed by a judge, plus the fact that he was exonerated through an internal investigation conducted by his employer, the misconduct case does not merit further action.

Director's Re	Director's Recommendation – Approve dismissal					
Accepted		Rejected				
If rejected, B	oard's Recomn	nendation _				

#### IN THE MATTER OF:

ROBERT J. PLATERO Certification No. 93-0080-P

#### MISCONDUCT:

On APRIL 12, 2012, the Navajo Division of Public Safety submitted to NMLEA a misconduct report against the Respondent, indicating that the Respondent committed conspiracy by conducting an unauthorized investigation against a former supervisor. The misconduct report indicates that the Respondent was making accusations that said supervisor had pointed a pistol at a person during a card game that had occurred approximately 2 years ago. The Respondent was not authorized to conduct such investigation and it was assumed that the Respondent was trying to blemish and undermined the reputation of his supervisor due to the fact that the supervisor had terminated the Respondent's employment. The Respondent, along with his attorney, denied the allegations stating that the pulling of a gun incident had been reported to him by another person who had given the Respondent a written statement regarding the incident of about the supervisor pointing a gun. On other occasion, a person was attempting to give the Respondent information regarding the gun incident. The respondent did not want to personally get involved and referred the person with the information to the proper authority.

TIME LINE: Respondent was served with a NCA on or around August 12, 2012. Responded requested an Informal Hearing. The informal hearing was held on September 14, 2012. After considering all relevant information presented by the Respondent and his attorney and comparing it with the misconduct report, it was determined that the main issue involved an accusation against the Respondent for allegedly conducting an unauthorized clandestine investigation against his supervisor for allegedly pulling and pointing a pistol on another person during a card game that occurred approximately two years ago.

The U.S. Attorney after investigating and reviewing the evidence did not feel that this case was viable for them to prosecute.

Based on the above, no action is recommended.

Director's R	ecommendati	<b>on</b> – Approve no a	action		
Accepted		Rejected		_	
If rejected, I	Board's Recom	mendation			 

#### IN THE MATTER OF:

MARK ZUNI Certification No. 89-0292-P

### MISCONDUCT:

On September 5, 2008, in the early hours, the Respondent gave a courtesy escort to an intoxicated adult female from the Isleta Casino and Resort to her residence in Albuquerque.

The intoxicated female had been left stranded by her male companion after they were both told to leave the casino due to being intoxicated and obnoxious behavior. The female later reported to the APD that the Respondent had sex with her at her residence inside her bedroom.

<u>TIMELINE</u>: The Respondent was served with a NCA on or around May 15, 2012. Responded requested an Informal Hearing. The informal hearing was held on August 21, 2012. After considering all relevant information presented by the Respondent and comparing it with the misconduct report, it was determined that the main issue involved an accusation of sexual assault against the Respondent who had provided a courtesy escort in his police unit to an alleged intoxicated female person to a residence in Albuquerque. The radio log from the Isleta Police Department indicating the time of the arrival at the accuser's residence and departure time from said residence does not sustain the alleged accusation of sexual assault

This case was Nolle Prosequi by the District Attorney's office in the interest of Justice.

Based on the abo	Based on the above, no action is recommended.				
Director's Recon	Director's Recommendation – Approve no action				
Accepted	<u> </u>	Rejected			
If rejected, Board's Recommendation					